

Notice of Allowability	Application No.	Applicant(s)	
	09/931,271	DICKINSON ET AL.	
	Examiner	Art Unit	
	BJ Forman	1634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendments 27 October and Applicant-approved Examiner's Amendments.
2. ☒ The allowed claim(s) is/are 1-12 and 15-42.
3. ☒ The drawings filed on 16 August 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.
5. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**


7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6 <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No. <u>0104</u> . |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____ | 7 <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |


 BJ Forman
 Primary Examiner
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NOTICE OF ALLOWABILITY

Status of the Claims

1. This action is in response to papers filed 27 October 2003 in which claims 1 and 15 were amended and claims 27-42 were added and further in response to amendments to claims 1, 15 and 27 discussed and agreed upon in an interview between Mr. Fuller and the examiner on 6 January 2004 as detailed below.

All of the amendments have been thoroughly reviewed and entered. The previous rejections in the Office Action dated 30 May 2003 are withdrawn in view of the amendments. The amendments place the pending claims in condition for allowance.

Claims 1-12 and 15-42 are in condition for allowance.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael Fuller on 6 January 2004.

a. Replace the title with the following:

-- ARRAY COMPOSTIONS AND METHODS OF MAKING SAME --

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b. In the specification, page 18, line 26, delete “http://”.

c. Replace Claim 1 with the following:

1. An array composition comprising:
 - (a) a rigid support;
 - (b) a molded layer with at least a first assay location comprising discrete sites, wherein each of said discrete sites is configured to hold a single microsphere, and wherein said molded layer is adhered to said rigid support;
 - (c) an adhesive layer disposed between said rigid support and said molded layer; and
 - (d) a population of microspheres comprising at least a first and a second subpopulation, wherein said first subpopulation comprises a first bioactive agent and said second subpopulation comprises a second bioactive agent wherein said microspheres are randomly distributed on said sites.

d. Replace Claim 15 with the following:

15. A method for making an array composition containing at least a first assay location having discrete sites comprising the steps of:
 - (a) contacting a surface of a template structure, said surface comprising one or more sets of projections, with a moldable material;
 - (b) removing said moldable material from said surface of said template structure, whereby said removed moldable material forms a molded layer with at least a first assay location comprising discrete sites, wherein each of said discrete sites is configured to hold a single microsphere;
 - (c) applying a layer of adhesive to adhere said molded layer to a rigid support in order to maintain the molded layer in a planar configuration; and
 - (d) randomly distributing microspheres on said molded layer such that individual discrete sites comprise microspheres, wherein said microspheres comprise at least a first and a second subpopulation, wherein said first subpopulation comprises a first bioactive agent and said second subpopulation comprises a second bioactive agent.

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e. Replace Claim 27 with the following:

27. An array composition comprising:

(a) a molded layer having an upper surface and a planar lower surface, wherein said upper surface comprises a first assay location comprising discrete sites, each of which is configured to hold a single microsphere ~~microspheres~~;

(b) a rigid support adhered to said planar lower surface and adapted to maintain said molded layer in a planar configuration; and

(c) a population of microspheres comprising at least a first and a second subpopulation, wherein said first subpopulation comprises a first bioactive agent and said second subpopulation comprises a second bioactive agent, and wherein said microspheres are randomly distributed on said sites.


CONCLUSION

3. Claims 1-12 and 15-42 are allowed.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BJ Forman whose telephone number is (703) 306-5878 until 13 January 2004. Starting 14 January 2004, the examiner's phone number will be (517) 272-0741. The examiner can normally be reached on 6:00 TO 3:30 Monday through Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Benzion can be reached on (703) 308-1119. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 308-8724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196. Starting 14 January 2003, the receptionist telephone number will be (517)-272-0507.


BJ Forman, Ph.D.
Primary Examiner
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January 7, 2004